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Attorneys for Respondents

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ESTER IVALDA CHAN,

Petitioner,

v.

LORETTA E. LYNCH, U.S. Attorney General;
JEH C. JOHNSON, Secretary, U.S. Department
of Homeland Security; LEON RODRIGUEZ,
Director, U.S. Citizenship and Immigration
Services; JOHN KRAMAR, District 21
Director of U.S. Citizenship and Immigration
Services; and JAMES B. COMEY, Director,
Federal Bureau of Investigations.

Respondents.

C 15-03684 JD

**STIPULATION REMANDING CASE TO
UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, PURSUANT TO 8
U.S.C. § 1447(b) and ~~PROPOSED~~ ORDER**

1. Petitioner commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to adjudicate her application for naturalization that was pending before the United States Citizenship and Immigration Services (“USCIS” or “the agency”) for more than 120 days after Petitioner had been interviewed.

2. USCIS is now prepared to resolve this matter by adjudicating Petitioner’s application for naturalization. However, USCIS cannot adjudicate the application unless and until the Court remands

1 the matter to the agency. *See* 8 U.S.C. § 1447(b) (explaining that the district court “may remand [a
2 Section 1447(b) case], with appropriate instructions, to the [USCIS]”); *United States v. Hovsepian*, 359
3 F.3d 1144, 1160 (9th Cir. 2004) (accord).

4 Accordingly, IT IS HEREBY STIPULATED that:

5 1. The Court shall remand this case to USCIS, directing the agency to take any and all
6 necessary actions, and issue a decision on Petitioner’s application for naturalization within 60 days of
7 the remand order.

8 2. If USCIS does not issue a decision on Petitioner’s application for naturalization within
9 the time frame set forth in paragraph 1 above, Respondents will not oppose any request by Petitioner to
10 this Court to vacate the remand order and thereby re-assert jurisdiction over Petitioner’s action pursuant
11 to 8 U.S.C. § 1447(b).

12 Date: December 3, 2015

Respectfully submitted,

13 BRIAN J. STRETCH
Acting United States Attorney

14
15 /s/
ALEX G. TSE
16 Assistant United States Attorney
Attorneys for Respondents

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18 Dated: December 3, 2015

19 /s/
DAVID M. HAGHIGHI
Attorney for Petitioner

20
21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23
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25 Date: December 4, 2015

26 
JAMES DONATO
United States District Judge